

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DARRELL E. FOGARTY,)	CASE NO. 7:11CV00541
)	
Plaintiff,)	
)	FINAL ORDER
vs.)	
)	
)	
F.M.C. LEXINGTON,)	By: Hon. Glen E. Conrad
)	Chief United States District Judge
Defendant.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this civil action is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim, and this action is stricken from the active docket of the court.

ENTER: This 23rd day of November, 2011.

/s/ Glen E. Conrad
Chief United States District Judge